



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,721	10/04/2000	Glenn Reid	004860.P2472	7346

7590

12/29/2005

Lisa Benado
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025-1026

EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,721

Applicant(s)

REID, GLENN

Examiner

Son P. Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15, 17-20, 22-26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 17-20, 22-26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, 8-15, 17-20, 22-26, 28-33, as amended, have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues Sacilotto discloses the server deletes the clips only when the storage becomes greater than a particular percentage full (col. lines 47-60). Thus, a condition must be satisfied before a clip is deleted (page 13, lines 17-19). Applicant's claim does not contain a limitation in which a condition in storage space needs to be satisfied before a deletion occurs (page 14, lines 1-2).

In response, the claims recite deleting the portion from the storage in response to the user deletion command such that the portion is no longer stored on the storage and is thereby destructively edited. Sacilotto discloses the server deletes clips when a disc becomes greater than a particular percentage full (col. 8, line 51-col. 9, line 21) reads on the above limitation as claimed regardless of the condition must be satisfied or not. In another words, the limitation as claimed is broader in scope than Sacilotto's disclosure.

Applicant further argues Sacilotto discloses that the clips is in fact stored and can be reused "Although clips have a reference count zero, this does not mean that an editor might not use the media of the clip in the future..." (page 13, lines 19-25) and then concludes "since Sacilotto discloses that clips can be reused, he teaches away from the limitation "...such that the portion is no longer stored on the storage and is thereby destructively edited" as disclosed in Applicant's amended independent claim 8 (page 14, lines 2-5).

In response, this argument is respectfully traversed. Sacilotto discloses the server does not automatically delete a clip when the reference count become zero. Rather, the server only begins deleting clips when the storage 17 becomes greater than a particular percentage full (col. 8, lines 51-55). Therefore, the clips with references count becomes zeros are not automatically deleted; and these clips can be reused only when the discs do not become greater than a particular percentage full. If the discs become greater than a particular percentage full, the lower priority clips (i.e. clip with

Art Unit: 2611

reference count becomes zero or with expiration date) will be deleted and these clips are no longer stored on the discs. Therefore, Sacilotto does not teaches away from the limitation "...such that the portion is no longer stored on the storage and is thereby destructively edited"; and this limitation is met by the lower priority data (i.e. clips with reference count becomes zero, clips with expiration date) is no longer stored on the discs and is thereby destructively edited.

Furthermore, if the clips with reference becomes zero are not deleted from the storage/discs and can be reused in the future as argued by the Applicant even the storage become greater than a particular percentage full, how can the storage occupancy level is not greater than a percentage level if new data is stored in the discs?

Applicant additionally argues Garmon's disclosure of using a recycle bin to temporary store deleted object teach away from the amended limitation "...such that the portion is no longer stored on the storage and is thereby destructively edited" and the limitation "...directly without an intermediary step" in dependent claims 6,26 and 33 (page 12, lines 1-15).

In response, this argument is respectfully traversed. Garmon discloses different storage devices such as a folder, RAM, diskette, hard disk, etc. for storing data and the data is retrieved from the storages devices (col. 3, line 62-col. 4, line 17). Thus, the storage device as claimed is broadly met by any device (e.g., RAM, diskette, etc. but not the

Art Unit: 2611

recycle bin) that stores data before the data is removed to the recycle bin. Thus, Garmon does not teach away from the amended limitations.

For the reason given above, rejections on claims 1-6, 8-15, 17-20, 21-26, 28-33 are analyzed as discussed below.

Claims 7, 16, 21, 27 and 34 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 6, 8, 11, 13 and 17-20, 22-24, 26, 28-30 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Sacilotto, Jr. et al. (Sacilotto), U.S. Patent No. 6,763,523.

Regarding **claims 1, 22 and 28**, Abe discloses a method, a corresponding processing system, and a corresponding computer readable medium for destructively editing a time based stream of information in a processing system (Fig. **12**), comprising:

- a) storing the time based stream of information (video clip and corresponding audio clip) in storage (Fig. **2**, External Storage Apparatus **22**) (encoding and storage of video data **D1**, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data **D2**, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data **D1** and audio data **D2**);
- b) selecting a portion of the time based stream of information (user selection of in-point and out-point of clip, col. 16, line 30 – col. 17, line 12);
- c) receiving a user deletion command (entry of deletion mode, col. 17, lines 13-40); and
- d) deleting the portion from the storage in response to the user deletion command (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus **22** is controlled to delete the designated portion of video clip and corresponding audio clip). However, Abe does not specifically disclose such that portion is no longer stored on the storage and is thereby destructively edited.

Sacilotto discloses the server does not automatically delete a clip when the reference count becomes zero. Rather, the server only begins deleting clips when the storage 17 becomes greater than a particular percentage full (col. 8, lines 51-55). As a result of deleting the data when the storage becomes greater than a particular

Art Unit: 2611

percentage full, the portion (deleted data) is no longer stored on the storage and is thereby destructively edited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe to use the teaching as taught by Sacilotto in order to save space for higher priority data and to handle overflow conditions (col. 9, lines 40-43).

As for **claims 2, 23, and 29**, Abe discloses providing reference data (time code data) corresponding to the stored time based stream of information and wherein the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claims 3, 24 and 30**, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip)).

As for **claims 6, 15, 26 and 33**, Socilotto discloses deleting lower priority data automatically or manually (i.e. clips with references count become zero, expired date, etc. when the storage becomes greater than the particular percentage full to save space

Art Unit: 2611

of higher priority data— col. 8, line 50-col. 9, line 20). Necessarily, the portion (i.e. lower priority data) is deleted by permanently eliminating the information from storage directly without an intermediate step.

Regarding **claim 8**, Abe discloses a method for managing storage in a processing system (Fig. 12), comprising:

- a) storing a time based stream of information (video clip and corresponding audio clip) in storage (Fig. 2, External Storage Apparatus **22**) (encoding and storage of video data **D1**, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data **D2**, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data **D1** and audio data **D2**);
- b) selecting at least a portion of the time based stream of information in response to a user selection command (user selection of in-point and out-point of clip, col. 16, line 30 – col. 17, line 12);
- c) deleting the portion from the storage (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus **22** is controlled to delete the designated portion of video clip and corresponding audio clip).

Abe fails to disclose the step of determining whether the portion is represented by more than one reference data containing processing information corresponding to the time based stream of information and deleting the portion from storage if the portion is not represented by more than one reference data, and such that the deleted portion is no longer stored on the storage and is thereby destructively edited, as claimed.

However, Sacilotto, in an analogous art, teaches determining whether a selected clip (i.e., portion of time based stream of information) is represented by more than one reference data containing processing information (reference count for each clip, indicating whether clip is "in use", ID, etc.) and deleting the portion from a storage if the portion is not represented by more than one reference data (i.e., the reference count for the clip is zero/least reference count, deletion of clip when not referenced, i.e., reference count is zero/least references count and storage device is greater than 50% full, col. 8, lines 25-60, col. 9, lines 1-25) for the benefit of enhancing audio/video editing operations by preventing data currently in use in a multimedia presentation from being deleted. Sacilotto further discloses the server does not automatically delete a clip when the reference count becomes zero. Rather, the server only begins deleting clips when the storage 17 becomes greater than a particular percentage full (col. 8, lines 51-55). As a result of deleting the data when the storage becomes greater than a particular percentage full, the portion (deleted data) is no longer stored on the storage and is thereby destructively edited.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing method of Abe to incorporate determining whether the portion is represented by more than one reference data corresponding to the time based stream of information and deleting the portion from storage if the portion is not represented by more than one reference data, and the deleted portion is no longer stored on the storage, as taught by Sacilotto, for the benefit of enhancing audio/video editing operations by preventing data currently is use in a

multimedia presentation from being deleted in a storage management method, and furthermore, to maximize the use of stored data, and additionally to save space for higher priority data and to handle overflow conditions (col. 9, lines 40-43).

The limitation of **claim 11** is encompassed by the teachings of Abe in view of Sacilotto, as discussed above relative to claim 8. Specifically, Abe discloses the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

The limitation of **claim 13** is encompassed by the teachings of Abe in view of Sacilotto, as discussed above relative to claim 11. Specifically, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip)).

Regarding **claim 17**, Abe discloses a time based stream of information processing system (Fig. 2) comprising:

- a) a capture port (Fig. 2, A/D 19 and VRAM 20) for acquiring time based

Art Unit: 2611

stream of information (encoding and storage of video data **D1**, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data **D2**, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data **D1** and audio data **D2**);

b) a storage (Fig. 2, External Storage Apparatus **22**) for storing the time based stream of information (col. 6, lines 20-26 and lines 52-57);

c) a display device (Fig. 2, Monitor **26**, col. 7, lines 37-46); and

d) a processor (Host Computer **15** of Fig. 2, which inherently discloses a CPU) for selecting a portion of the time based stream of information and deleting the portion from storage in response to a user deletion command (col. 17, lines 10-40).

However, Abe does not specifically disclose such that portion is no longer stored on the storage and is thereby destructively edited.

Sacilotto discloses the server does not automatically delete a clip when the reference count becomes zero. Rather, the server only begins deleting clips when the storage 17 becomes greater than a particular percentage full (col. 8, lines 51-55). As a result of deleting the data when the storage becomes greater than a particular percentage full, the portion (deleted data) is no longer stored on the storage and is thereby destructively edited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe to use the teaching as taught by Sacilotto in order to save space for higher priority data and to handle overflow conditions (col. 9, lines 40-43).

As for **claim 18**, Abe discloses the display device includes a deletion control (Deletion process presented in video browser **25** and displayed on Monitor **26**, col. 17, lines 10-40).

As for **claim 19**, Abe discloses the storage further includes at least one reference data (time code data) corresponding to the time based stream of information and the processor is further for deleting the reference data reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claim 20**, Abe discloses the processor is further for forming at least one new reference with reference data to the remaining time based stream of information after deleting the data (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

5. **Claims 4, 14, 25, and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Socilotto (US 6,763,523) as applied to claims 3, 24, 30 above, and further in view of Chao et al. (Chao), U.S. Patent No. 5,732,184.

As for **claims 4, 14, 25, and 31**, although Abe discloses selecting a portion of a clip (i.e., time based stream of information) designated by a mark-in point and a mark-out point (e.g., to select a portion of the clip between the beginning and end of the clip) and deleting the selected portion (see discussion above relative to claims 1, 22, and 28), Abe fails to specifically disclose the reference splits into a first new reference corresponding to the information prior to the extracted data and a second new reference corresponding to the information after the extracted reference data (e.g., Abe does not specifically disclose that two separate clips result from the editing operation).

However, Chao, in an analogous art, teaches editing video clips incorporating a slicing operation wherein a clip is divided into two separate clips (col. 5, line 64 – col. 6, line 53 and Figs. **4A and 4B**). Editing a video clip to produce two separate clips inherently discloses a first new reference corresponding to information prior to the slicing point and a second new reference corresponding to information after the extracted reference data to allow for editing of the clips separately. The slicing operation taught by Chao provides the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions (see col. 6, lines 50-53).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing process of Abe and Socilotto to incorporate the reference splits into a first new reference corresponding to the information prior to the extracted reference data and a second new reference corresponding to the information after the extracted reference data, as taught by Chao,

Art Unit: 2611

for the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions in a time based stream editing system.

6. **Claims 5, 9-10,12 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 and Socilotto (US 6,763,523) as applied to claims 2, 22 and 29 above, and further in view of Gamon, U.S. Patent No. 6,345,318.

As for **claims 5, 9 and 32**, the disclosure of Abe in view of Socilotto is relied upon as discussed above relative to claims 2 and 29. Abe and Socilotto fail to disclose depositing the extracted reference data in a trash depository prior to deletion, as claimed.

However, Gamon, in an analogous art, teaches a trash depository (e.g., Recycle Bin **415** of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe and Sacilotto to incorporate including depositing corresponding reference data in a trash depository prior to deleting the information, as taught by Garmon, for the typical and well-known benefit of enabling a user to restore data previously selected to be deleted.

As for **claim 10**, Garmon further discloses the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38).

As for **claim 12**, Abe in view of Sacilotto discloses a method as discussed in the rejection of claim 11. Abe in view of Sacilotto fails to disclose wherein if a cancel command is received, the extracted reference data is replaced in the reference and the portion is not deleted, as claimed.

However, Garmon, in an analogous art, trash depository (e.g., Recycle Bin **415** of Fig. **4**) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (e.g., the object restored along with corresponding reference data to the portion selected for deletion) if the user subsequently decides the object selected for deletion is needed (e.g., canceling the deletion command) or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash

Art Unit: 2611

depository function is notoriously well known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe in view of Sacilotto to incorporate wherein if a cancel command is received, the extracted reference data is replaced in the reference and the portion is not deleted, as taught by Garmon, for the benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sanders (US 2002/0059394) discloses content propagation in interactive television.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone

Art Unit: 2611

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH

December 19, 2005



**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**